

## V. REMARKS

Claims 1-9 and 21-23 are pending in this application. By this Amendment, claims 1, 3, 6, 7, 21, the drawings and the specification have been amended, and claims 10 and 24-27 have been cancelled. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to present specific arguments and/or pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the above amendments and following remarks is respectfully requested.

With regard to the drawings and the specification, the revisions made are to describe the third opening as now recited in claims 1 and 21. In FIGS. 1 and 2, the lead line for second opening 26 has been raised, and the label for third opening 27 has been added. Since the drawings provide antecedent for this disclosure, no new matter has been added.

In the Office Action, claims 1-5 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kruse; claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruse in view of Bareis et al.; claim 7, 8, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruse in view of Nakayama; claims 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruse in view of Nakayama further in view of Amarakoon; claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruse in view of Bareis et al. further in view of Nakayama; and claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kruse in view of Nakayama further in view of

Amarakoon. Applicants respectfully submit that the pending claims are patentable and the above rejections should be withdrawn.

With regard to independent claims 1 and 21, Kruse discloses a slot 151a having a sloped part that directs a lengthy blanks S' to a chute that delivers the blanks to tray 152'. See Kruse, col. 5, lines 118-122. Applicants submit Kruse fails to disclose, *inter alia*, "a duct including a first opening for receiving the part, a second opening that is smaller than the first opening, and a third opening that is larger than the second opening, wherein the first, second and third opening are vertically aligned along at least one edge thereof." For example, the slot in Kruse includes the narrowing sloped part, but does not widen thereafter so as to include the third opening. In addition, the slot in Kruse does not include, *inter alia*, openings that are vertically aligned along at least one edge. In particular, the upper part of the slot 151a in Kruse extends horizontally a significant distance beyond the sloped part. As a result, the area of the slot below the slanted part where a third opening would be provided according to the claimed invention is not aligned with the upper part of the slot. In view of the foregoing, Kruse fails to teach each and every claim element and therefore does not anticipate the claimed invention.

With special regard to claims 7 and 21, Applicants submit that the Office is misapplying *In re Dailey*, 149 USPQ 47 (CCPA 1966). In particular, the Office asserts that an unexpected result is the standard as to when a change of shape is non-obvious. However, the cited case explains that the standard is whether the change is significant, not an unexpected result. See also MPEP 2144.04, V., B. (Applicants also note that the explanation appears in dicta in the opinion, not standard setting language.) In *In re Dailey*, the relevant quote is:

Appellants have presented no argument which convinces us that the particular

configuration of their container is significant or is anything more than one of numerous configurations a person of ordinary skill in the art would find obvious for the purpose of providing mating surfaces in the collapsed container of Matzen.

Applicants submit that the provision of the convex contoured end is significant relative to the claimed invention because the convex, oftentimes rigid shape of the parts to which the claimed invention is applied. If the end of the container does not substantially conform to the curled shape of the part, it may cause damage to the parts as they are collected. Accordingly, the use of a convex countered shape is not simply a matter of design choice.

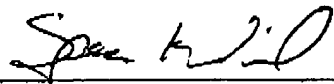
The other dependent claims 2-6, 8, 9, 22 and 23 are believed allowable for the same reasons as stated above relative to Kruse, as well as for their own additional features. In view of the foregoing, Applicants respectfully request withdrawal of the rejections.

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Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, he is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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1/7/04

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Attachments: Replacement Sheets

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